

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. [23-md-03084-CRB](#) (LJC)

**ORDER REGARDING JOINT  
ADMINISTRATIVE MOTION FOR AN  
ORDER REGARDING THE PARTIES'  
SUBMISSION OF DISCOVERY  
DISPUTES**

This Document Relates to :  
  
ALL ACTIONS

Re: Dkt. No. 562

Having considered the parties' Joint Administrative Motion for an Order Regarding the Parties' Submission of Discovery Disputes, Dkt. No. 562, and in light of the telephonic conference held on May 29, 2024, the Court orders the following.

The Court will consider an initial sample of disputes arising from third party subpoenas served by Plaintiffs. The initial sample may consist of up to four subpoenas. The subpoenas in the initial sample must be subpoenas in which the Northern District of California is both the issuing court and the court authorized to enforce the subpoena. *See* FRCP 45(a)(2), (d)(3).

The parties and nonparties shall meet and confer on an individualized basis regarding the subpoenas in the initial sample. If a dispute remains after meeting and conferring as to the subpoenas, Defendants shall file a letter not to exceed four pages that explains their objections and requests that the subpoenas be quashed or modified. The nonparties may also file a letter not to exceed four pages explaining their objections and requesting relief, if they so choose. If only one letter is filed objecting to a particular subpoena, Plaintiffs shall respond with a letter not to exceed four pages. If Defendants and the nonparty subject to the subpoena each file a letter objecting to a particular subpoena, Plaintiffs may file a combined response to the two letters that does not exceed eight pages. No reply brief is permitted without leave of the Court. Defendants and nonparties

1 seeking to quash or modify a subpoena in the initial sample shall file their letter(s) no later than  
2 June 7, 2024. Plaintiffs shall respond by June 14, 2024. The Court sets a hearing for June 21,  
3 2024, at 11:30 am via Zoom, but will vacate the hearing if it determines that it is not necessary.

4 With respect to the subpoenas that require compliance outside of the Northern District of  
5 California, the Court is concerned that this MDL may lead to satellite litigation in other districts,  
6 undermining the “just and efficient conduct” of the consolidated actions. 28 U.S.C. § 1407(a).  
7 Rule 45 of the Federal Rules of Civil Procedure, however, protects the interests of the nonparty  
8 served with the subpoena in obtaining local resolution of a motion for relief as to compliance with  
9 the subpoena. *See* Fed. R. Civ. P. 45(a)(3) (the court for the district where compliance is required,  
10 rather than the court issuing the subpoena, adjudicates motions to quash or modify subpoenas).  
11 Rule 45(f) allows, but does not require, the transfer of the dispute to the court that issued the  
12 subpoena “if the person subject to the subpoena consents.” Fed. R. Civ. P. 45(f). The attorney for  
13 the person or entity subject to a subpoena may appear in the issuing court to address any motion  
14 that has been transferred to that jurisdiction for adjudication. *Id.*

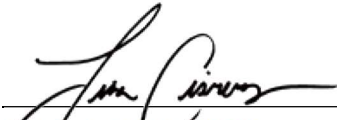
15 The parties’ present administrative motion does not identify or discuss any nonparty  
16 objections. During the telephonic conference regarding the motion, the Court was informed that  
17 some nonparties are objecting to the subpoenas and may seek relief through a judicial order. The  
18 parties have not addressed what procedures apply to nonparty requests for relief that would  
19 ordinarily be resolved in another district. The parties have also not addressed whether and to what  
20 extent the MDL court has authority to decide these disputes.

21 Plaintiffs shall file a report by June 7, 2024 that: (a) lists the objecting nonparties that have  
22 been served subpoenas in which compliance is required outside of this Court, (b) specifies whether  
23 the contested subpoena is for a pretrial deposition and/or documents or other tangible things, and  
24 (c) indicates whether the nonparty consents to having the dispute transferred to this Court for  
25 adjudication and any appeal. If any nonparty has filed a motion to quash in a court outside of this  
26 District, Plaintiffs shall file a notice in this MDL. By June 7, 2024, the parties may also file a joint  
27 letter, not to exceed six pages, explaining their position as to whether this Court, pursuant to the  
28 JPML order, has authority to resolve nonparty requests for relief from the subpoenas where

1 compliance is required outside of this District, and any proposals for streamlining the presentation  
2 of such disputes in this Court.

3 **IT IS SO ORDERED.**

4 Dated: May 31, 2024

5  
6   
7 LISA J. CISNEROS  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28